4N

UNITED
NATIONS

E

Economic and Social
Council

PROPERTY OF
UNIVERSITY

Distr.
GENERAL

E/CN.4/1996/SR.2
22 March 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 19 March 1996, at 10 a.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

CONTENTS

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF ITALY

STATEMENT BY THE MINISTER OF INTERNATIONAL COOPERATION AND DEPUTY MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

ORGANIZATION OF THE WORK OF THE SESSION

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-11256 (E)

The meeting was called to order at 10.15 a.m.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Mr. AYALA LASSO (United Nations High Commissioner for Human Rights) said that, faced with the vast challenge of ensuring the promotion and protection of all human rights, it was the responsibility of the Commission on Human Rights to promote the universal development, codification and implementation of those rights and thus pave the way for a future of peace, democracy and development.

2. Immense progress had been made in the area of human rights over the 50 years since the establishment of the Commission in 1946. The Universal Declaration on Human Rights, prepared by the Commission, had become the main reference point for all United Nations human rights activities, as evidenced by the final declarations of the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women. The fiftieth anniversary of the Declaration would be a useful occasion to assess the implementation of the Vienna Declaration and Programme of Action. It was for the Commission on Human Rights to initiate such an assessment.

3. It was essential that all States should make progress towards full enjoyment of all the fundamental and inherent human rights and it was to be hoped that, working together, Governments, institutions and peoples would make human rights a reality for every individual on earth. That was an urgent necessity. Human rights formed part of the central trilogy of peace, democracy and development, adopted as aims by the United Nations and the international community. History would soon forget empty words and declarations but not a firm determination to achieve progress and bring it to a successful conclusion. History would, in fact, be the ultimate judge of the results achieved.

4. It was the duty of all States, irrespective of their political, economic, social or cultural regime, to promote and protect human rights, a duty that derived from the international human rights standards the Commission had elaborated and which had served as the basis for all activities in that field for the last half century. The diversity of historical, cultural and religious traditions - which enriched all countries - must not prevent the international community from facing up to every situation in which human beings were treated in an inhuman or degrading manner, were deprived of their rights or were subjected to poverty, hunger, unemployment or exclusion. The other essential principle was that national institutions were best equipped to promote and protect human rights, provided that the legal, political, economic and social climate was conducive thereto.

5. At the World Conference on Human Rights in 1993, the ideological divergences and political confrontations over human rights that had characterized the cold war had given way to a spirit of cooperation and dialogue, resulting in a universal commitment to work together to achieve worldwide respect for human rights. That new spirit must not be allowed to dissipate; new walls of misunderstanding must not be erected. In the post-cold-war period, such walls had resulted in genocide, ethnic cleansing and other gross and flagrant violations of human rights and humanitarian law, in torture and disappearances and in an explosion of terrorist acts.

6. The Commission was thus obliged to seek new approaches to eliminating such regressive phenomena and adapting United Nations human rights work to contemporary circumstances. In short, it must breathe new life into efforts to achieve universal and effective implementation of human rights standards and must scrupulously avoid politicization, ritualism and procedural wrangles.

7. Over the past two years, he had been seeking to translate into reality the principles of the Vienna Declaration and Programme of Action through multidimensional and integrated efforts to promote and protect human rights. Priorities had been defined, strategies developed and activities undertaken. In respect of the right to development and to economic, social and cultural rights also, theory must be translated into practise and the coverage of human rights extended to the entire development process by promoting consultations and exchange of information between organizations of the United Nations family, particularly the Bretton Woods institutions, development programmes and agencies, intergovernmental and regional organizations, academic institutions and non-governmental organizations. A broad alliance of that nature would determine the future of United Nations activities in the human rights field.

8. The efforts of States must be supported: they must be advised in a climate of reinforced international solidarity and cooperation. National institutions designed to prevent human rights violations, promote peace and ensure harmonious and lasting development must be set up through dialogue and consultation.

9. International human rights workers were currently engaged throughout the world, in cooperation with government officials and representatives of non-governmental organizations, in setting up and strengthening national infrastructures to promote and protect human rights, democracy and the rule of law. Officials of the Centre for Human Rights were helping national officials to implement human rights legislation and providing human rights training for judges, lawyers, law-enforcement officials and prison administrators. They were also helping to elaborate human rights curricula, devise training programmes for teachers and disseminate information and documentation. Others were assisting in the strengthening of civil society and working alongside non-governmental organizations (NGOs) dealing with various aspects of human rights, including the rights of women and children.

10. The establishment and strengthening of national human rights institutions was one of the priorities of the United Nations human rights programme. The fact that such institutions had blossomed everywhere in recent years was a great source of satisfaction.

11. The Commission's special rapporteurs gained their best insights into the problems facing certain States by their work in the field, and the dialogue and direct information arising from that work enabled them to propose solutions to certain situations and recommend measures in line with international standards. The thematic or country-specific examination of violations of human rights was thus not a hindrance to international cooperation but rather a concrete manifestation of such cooperation, an activity that would make it possible to devise and implement ways of ending human rights violations.

12. The other priorities of the United Nations human rights programme included emergency situations, preventive action and assistance to countries in transition. There again, human rights workers were active in the field in many countries, on missions that required operational planning, appropriate logistics and well-trained workers. In Rwanda, for example, the human rights observers were well integrated into the country and, with the withdrawal of UNAMIR, would be required to play a crucial role in monitoring the evolution of events, investigating genocide, restoring mutual understanding and tolerance, carrying out technical assistance programmes and promoting the return of refugees. In Burundi, the international community must strengthen its support for the Government and people to aid them in overcoming their current difficulties. That was the role of the expanded programme of technical assistance to that country and, with the support of the European Union, five human rights observers were soon to be sent there as part of a human rights monitoring and protection programme.

13. To meet the challenges of the future and make the human rights programme more effective and more transparent, a strengthened and coordinated structure was required. He had thus begun a process of reforming and restructuring the Centre for Human Rights as part of the broader process of reforming the human rights machinery of the United Nations. He would soon be making specific proposals to that effect, but the reform process could be successful only if the necessary financial and human resources were provided.

14. The human rights programme had been affected by the grave financial crisis confronting the United Nations: it had been necessary to reduce by US$ 2.6 million, or approximately six per cent, the extremely limited resources allocated in the regular budget for 1996-1997, a reduction that would undoubtedly have an adverse impact on the programmes and activities mandated by the Commission. Every effort was being made to maximize efficient use of the available funds, but the implementation of those efforts depended on the availability of adequate resources. That was particularly true of field operations, which depended entirely on voluntary contributions, and he appealed to Member States to provide financial support for such activities, for which the programme required contributions of US$ 25 million per year.

15. By finding bold and constructive solutions to the problems it faced, the Commission would help to make the twenty-first century the golden age of human rights. His own Office fully intended to contribute to that effort.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF ITALY

16. Mrs. AGNELLI (Italy), speaking on behalf of the European Union, said that the Central and Eastern European countries associated with the Union, as well as the associated countries of Cyprus and Malta, had expressed the wish to align themselves with her statement.

17. A few months previously, the fiftieth anniversary of the founding of the United Nations had been celebrated. Under the Charter, each nation affirmed its faith in human rights, the dignity and worth of the human person and the equal rights of men and women. The Charter admitted no exceptions, no grounds of history, religion, culture, economic condition or sovereign prerogative that permitted the denial of human rights and fundamental freedoms.

18. The fiftieth anniversary of the adoption of the Universal Declaration of Human Rights was to be celebrated in 1998. That very significant anniversary would provide a new opportunity to spread throughout the world the message of human rights with a view to further implementing the principles of tolerance, respect for human dignity, justice and solidarity.

19. Notwithstanding the progress made in defining standards for the promotion and protection of human rights, the full enjoyment of those rights was still denied to millions of people, especially in countries where political freedom was lacking. Human rights issues could not be treated separately from those raised through the unjust, corrupt or authoritarian forms of governance under which they occurred. Democracy needed to be fully implemented within and among nations, in line with the Vienna Declaration.

20. The promotion and protection of human rights, including the right to development, had been reaffirmed by the World Summit for Social Development as essential for social development and human well-being. The Union strongly supported the political commitment embodied in the Copenhagen Declaration and Programme of Action and had reiterated its readiness to contribute substantially to the realization of the right to development through its development cooperation policies, which included an important component of support for human rights and the strengthening of democracy in developing countries.

21. The promotion and protection of human rights as a means of promoting social integration had been one of the main inspirations of the Fourth World Conference on Women. The Union welcomed the outcome of that important conference. The Declaration and Programme of Action adopted there, together with the results of the regional preparatory meetings, not only represented a landmark on the way to ensuring equality between men and women but also constituted a political commitment to action to achieve the goal of equality, development and peace by the year 2000. The Programme of Action had laid down clear-cut guidelines for the elimination of all forms of discrimination based on gender. That objective stood among the Union's top priorities.

22. The Union wished to reiterate its concern regarding an issue connected with the implementation of human rights instruments, namely, the general problem of reservations. Many States had ratified or acceded to most of the international human rights instruments but, in some respects, that progress towards the universalization of the human rights discipline was more fictitious than real. Reservations had been used by a growing number of States in a way that ran counter to the rules of international treaty law. If when ratifying a convention, a State declared that it agreed to be bound by that instrument so long as it did not run counter to domestic legislation, that State had not, in fact, accepted any international obligation and the appearance of its name on the list of signatories was irrelevant. Reservations could not be an expedient for acquiring international respectability by purported adherence to a treaty when, in practice, most of its obligations were ignored. States that had expressed reservations should regularly consider the possibility of withdrawing them or narrowing their scope.

23. Currently, the major challenge was not to set new standards for the promotion and protection of human rights, for those rights were adequately covered by existing instruments. The Union was opposed to a trend towards the proliferation of human rights instruments as a diversional tactic to overshadow the need to focus on the effective implementation of the existing ones. That crucial issue, together with the continued monitoring of reservations, should be the focus of attention.

24. The Union's human rights strategy would concentrate on anticipating events, on prevention rather than reaction, and on striving to support sound and coherent policies and solid democratic systems. At the same time, the Union must ensure that it was able to react rapidly to crises as they occurred and to reduce political and social tension wherever possible.

25. In the framework of prevention, the fight against impunity required increased attention. The ad hoc tribunals established to curtail impunity for crimes against humanity and serious violations of international humanitarian law in the former Yugoslavia and in Rwanda were not sufficient to address all cases. The Union thus commended the work to date of the Ad Hoc Committee on the Establishment of an International Criminal Court, as well as the draft statute for it prepared by the International Law Commission and the establishment of the preparatory committee for the convening of a diplomatic conference on the adoption of the statute for such a court which her Government had offered to host at the earliest date.

26. It was also necessary to establish a rapid response system focused on the Office of the High Commissioner for Human Rights that could provide effective measures to promote and guarantee respect for international norms and prevent situations in which those norms were likely to be violated. In that connection, the Union was committed to promoting human rights education. In the framework of the United Nations Decade on Human Rights Education, a special effort should be made to incorporate awareness in that field, including gender-sensitive awareness, into the curricula of primary and secondary schools and the training of law-enforcement officials, military personnel, prison guards and doctors.

27. The Union noted with concern the tensions that still impeded a peaceful future for the former Yugoslavia in spite of the successful conclusion of the Dayton/Paris agreements and the new impetus given to their implementation at the recent Rome conference. In the context of the peace settlement reached, respect for human rights must be given the highest priority. The European Union commended the commitment entered into by all the parties to the peace agreements to guarantee to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms as set forth in the International Covenant on Civil and Political Rights and in the 1966 and 1989 Optional Protocols thereto and to promote and protect the human rights and fundamental freedoms set forth in the European Convention on Human Rights.

28. It was of paramount importance to secure the active involvement of the United Nations and other international agencies and organizations in solving humanitarian problems and human rights-related issues in the territory of the former Yugoslavia, in particular the tasks of restoring the human rights

infrastructure, ensuring the safe return of refugees and displaced persons, preventing new violations of human rights and fundamental freedoms, and rebuilding confidence and preparing for elections; it was also necessary for all parties to cooperate fully with the International Criminal Tribunal.

29. Finally, the Union wished to emphasize once again the urgent and inescapable need for the United Nations to step up its efforts to channel more resources into human rights activities with a view to meeting the expanded human rights priorities agreed upon in the Vienna Declaration and Programme of Action. In that connection, the Union reiterated its deep concern regarding the continuing and massive under-resourcing of the Centre for Human Rights, which prevented, inter alia, the human rights treaty bodies from adequately carrying out their mandates. The treaty-body secretariats were understaffed and there was a lack of technical expertise and of adequate administrative support. In particular, sufficient resources must be allocated to the Office of the High Commissioner for Human Rights to enable him to play the central role envisaged in his broad mandate. The effective promotion and protection of all human rights and fundamental freedoms were largely conditional upon a speedy and satisfactory solution of that crucial problem.

30. The Union rejected as unfounded any contention that an increase in funding for human rights programmes would be at the expense of development activities, mindful that democracy and the promotion and protection of all human rights, including the right to development, were closely interconnected. That basic concept must not be lost sight of if the efforts to build a better future for the next generation were to succeed.

STATEMENT BY THE MINISTER OF INTERNATIONAL COOPERATION AND DEPUTY MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

31. Mr. SCHORI (Sweden), having endorsed the statement made on behalf of the European Union, said that the Charter of the United Nations reaffirmed the faith of the international community in fundamental human rights, the dignity and worth of the human person and the equal rights of nations. Numerous human rights instruments had been developed to give effect to those commitments. The task of the Commission on Human Rights was to assess the extent to which States were meeting their human rights obligations.

32. As the Secretary-General had stated, human rights were, by definition, the ultimate norm of all politics. States were bound to incorporate their human rights commitments into national law and practices. Debates about domestic jurisdiction and internal politics thus had no place in the field of human rights.

33. The Commission on Human Rights must denounce violations of human rights and speak out against any Government which, instead of protecting human rights, had violated them. If the international community failed to take a firm stand, its silence might become a shield behind which Governments would continue to act with impunity. The international community could not afford to lose its credibility as a fair and equal defender of human rights throughout the world.

34. There were a number of situations that could serve as examples. The Government of China needed to enhance the protection of human rights with particular attention to the lack of fundamental freedoms, the absence of a fair and independent legal system, the excessive use of the death penalty, the practice of administrative detention and the situation of handicapped children in State institutions. In Chechnya, the situation of the civilian population was intolerable. The parties to the conflict had failed to respond to calls for a peaceful solution to the crisis, or to the concerns expressed with regard to the disproportionate use of force by the Russian armed forces and the grave violations of human rights ...

35. Mr. PANG Sen (China), speaking on a point of order, said that he wished to remind the Deputy Minister for Foreign Affairs of Sweden that he was an invited guest of the Commission and that the question of country situations was not currently under consideration.

36. The CHAIRMAN said that, while guest speakers were entitled to make statements of a general nature, he appealed to them to avoid making assertions which might give rise to controversy. Members of the Commission had, of course, the right of reply. He invited the Deputy Minister for Foreign Affairs of Sweden to continue his statement.

37. Mr. SCHORI (Sweden) said that the situation of human rights in Nigeria was also a sad one.

38. The Vienna Declaration clearly stated that the protection and promotion of human rights and fundamental freedoms was the primary responsibility of Governments and was a legitimate concern of the international community. Expressing concern about the human rights situation in other countries was therefore fully compatible with constructive dialogue with the countries concerned.

39. Sweden had, over the years, paid particular attention to certain topics in the field of human rights, such as the protection of vulnerable and minority groups, the campaign against torture, the abolition of capital punishment, the universal ratification of international human rights instruments and the avoidance of reservations to such instruments. In that connection, he wholeheartedly endorsed the comments by the Minister for Foreign Affairs of Italy concerning the problem of reservations to human rights instruments. It had also stressed the essential role of NGOs in the promotion of human rights.

40. His Government was firmly convinced that treaty bodies and other core human rights activities, including those carried out under the auspices of the Centre for Human Rights and the Office of the United Nations High Commissioner for Human Rights, should be financed by the international community. At the same time, it had been providing voluntary financial contributions to the key human rights activities.

41. In view of the intolerable suffering engendered by internal conflicts in certain countries, which were sometimes outside the scope of both international humanitarian law and human rights law, his Government was strongly in favour of establishing minimum humanitarian standards which would

be applicable in all situations. In that context, it attached great importance to the work of the international criminal tribunals for the former Yugoslavia and Rwanda. Persons who had committed or instigated genocide, war crimes or serious human rights violations must be brought to justice. To that end, the international community should give priority to the establishment of a permanent international criminal court.

42. The almost universal adherence to the Convention on the Rights of the Child was an encouraging sign which should inspire States to accede to other human rights instruments. There again, however, such adherence had been weakened by inappropriate reservations. His Government welcomed the plan elaborated by the High Commissioner for Human Rights to find ways of strengthening the implementation of the Convention and to facilitate the task of the Committee on the Rights of the Child and was prepared to contribute financially to any activities towards that end. There was one aspect of the Convention that should be modified, however: the current minimum age of 15 for recruitment into the armed forces should be raised to 18.

43. His Government would shortly be hosting the World Congress against Commercial Sexual Exploitation of Children which, it hoped, would increase awareness of the problem and result in concerted international action to implement the relevant provisions of the Convention on the Rights of the Child.

44. The right to life was the most fundamental of all rights and his Government strongly condemned the use, in any country and by any regime, of the death penalty, as an irrevocable and inherently inhumane form of punishment that had no place in a modern civilized world. Pending its abolition, however, the international community must ensure that the scope of application of the death penalty was not extended and that the relevant rules, including the Safeguards on the Rights of Those Facing the Death Penalty, were adhered to scrupulously. It thus welcomed the work on the subject carried out by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.

45. The Beijing Declaration and Platform of Action constituted an agenda for the advancement of women. The Beijing Conference had highlighted the main obstacles to that goal, including violence, poverty, lack of democracy and discriminatory power structures, laws and practices. It had reaffirmed the importance of mainstreaming and the need to give due regard to the question of gender in policy-making. A readjustment of attitudes in many areas was thus required. After the Beijing Conference, no country had any excuse for discriminatory laws or practices or for failing to take effective measures to prevent violence against women and to abolish cruel and harmful traditional practices.

46. The Commission on Human Rights had a key role to play in promoting the rights of women. The gap between the human rights obligations to which States had committed themselves and the actual situation of women in many parts of the world was one of the major issues that had to be addressed. Promotion of the rights of women was an essential factor in achieving democracy and development.

47. The current network of global communications was bringing human rights issues to the attention of an increasingly wider public and making such issues a world-wide concern. On the eve of the third millennium, the international community had the opportunity to lay the foundations for a truly civilized world with a common ethic. Human rights must become a reality for all, regardless of age, sex, national origin or cultural ties. It was the duty of States to promote and protect human rights and it was the right of individuals to defend those rights.

48. Mr. ALFONSO MARTINEZ (Cuba), speaking on a point of order, said that the attention of invited speakers should be drawn to the time constraints under which the Commission was operating.

49. The CHAIRMAN said that the Bureau had unanimously decided that invited speakers should be urged to limit their statements to 10 to 15 minutes.

ORGANIZATION OF THE WORK OF THE SESSION (item 3 of the provisional agenda) (E/CN.4/1996/11, 14, 15, 16 and Add.1, 17, 69, 83, 84, 112, and 118 and Add.1; A/49/929).

50. The CHAIRMAN said that the draft timetable for the consideration of the agenda items, as proposed by the Bureau, remained flexible and was subject to revision. While the Bureau had discussed the implementation of a number of the Commission's resolutions that were currently listed under item 3 of the provisional agenda (E/CN.4/1996/1/Add.1), further consultation of regional groups would be needed before the Bureau proposed the placement of those issues under individual agenda items.

51. If he heard no objection, he would take it that the Commission wished to approve the Bureau's recommendations concerning the time-limits on statements, the submission of draft resolutions and the persons to be invited to address the various agenda items or to be present during consideration of specific items, on the understanding that the Bureau would revert, as appropriate, to certain issues that he had mentioned.

52. It was so decided.

53. Mr. QAZI (Pakistan), speaking on behalf of the Asian Group, proposed that the measures which had been introduced at previous sessions to enhance the management of the Commission's meetings should be continued at the current session. The Commission's work could also be rationalized by clustering closely linked agenda items. Wider consultations on all draft resolutions prior to their introduction and eventual adoption would also be useful. To that end, an informal open-ended group could be established which would facilitate the work of delegations, particularly the smaller ones. Rule 52 of the rules of procedure should be fully adhered to and waived only in exceptional circumstances.

54. In connection with the concern expressed by the Secretary-General regarding the current financial crisis, the Group would like to know how the work of the Centre for Human Rights and that of the Commission itself would be affected, how much the Centre was expected to save and where efforts at savings would be concentrated. Such information was needed by the sponsors of

resolutions having financial implications. The Commission should also endeavour to carry out its work within the normal time allocated without night meetings. Consideration might also be given to shortening future Commission sessions by a week or more. Resolutions which had already outlived their usefulness should be dropped while others could be merged or biennalized.

55. Mr. MEGHLAOUI (Algeria) reaffirmed that the Commission must be kept free of confrontation and political conflicts and must do its work in a spirit of peaceful cooperation and mutual respect, the spirit which had prompted the adoption of the Vienna Declaration and Programme of Action and General Assembly resolution 48/141 on the establishment of the post of the United Nations High Commissioner for Human Rights. It was also absolutely essential that the Commission's methods of work should be reorganized and rationalized.

56. Mr. HASHIM (Bangladesh) said that efficient and judicious management of time would be an essential prerequisite for maximizing the impact and benefits of the Commission's current session. He agreed with the previous speakers' suggestions to that end and thought that the Commission should also avoid a proliferation of subsidiary bodies and consider reducing, on an experimental basis, the duration of inter-sessional meetings.

57. Notwithstanding the positive contribution of NGOs to the Commission's work, the increase in their number had caused difficulties and he hoped that, in partnership with the NGOs the Commission would find ways of managing their participation which would ensure that the Commission had optimum time for its own deliberations.

58. Welcoming the marginal decrease in the number of agenda items, he said that efforts should be made not only to ensure the non-proliferation of agenda items but also to keep the agenda under constant scrutiny for possible elimination, merger or clustering of items. Since, at the Commission's last three sessions, four fifths of the resolutions had been adopted by consensus, serious efforts should be made at the current session to achieve such adoption for all resolutions, in which connection, he suggested that draft resolutions on specific situations of alleged human rights violations should not be proposed without prior recourse to an objective determination under the confidential procedure.

59. Mr. GOONETILLEKE (Sri Lanka) said the Commission should take stock of what it had achieved over the last 50 years and come up with a realistic programme of action, in conformity with its mandate, for the promotion and protection of human rights. It might be appropriate to examine whether the Commission's past actions had always been in keeping with its mandate and with the purposes and principles of the Charter of the United Nations.

60. If international cooperation was to be the basis of the Commission's work, a policy of non-confrontation and transparency must be instituted. The Commission must not be divided into opposing camps. There was a widespread feeling, however, that developing countries were increasingly being targeted in resolutions and that there was a political motivation behind such measures. If the Commission was perceived as being used by some members to impose their will on others, the task before it would not be easy.

61. When gross violations of human rights occurred in a given country, the international community had, of course, a responsibility to consider appropriate measures but the question was at what point it should give up persuasion and consider alternative measures to bring the situation under control. In that connection, he did not think that the adoption of resolutions without the participation of the country concerned was likely to improve the human rights situation there or mitigate the sufferings of its people. Moreover, the manner in which members of the Commission negotiated support for country-specific resolutions was not constructive and frequently disrupted the conduct of the meeting in progress.

62. The Commission should carry out its work, without selectivity, partiality or subjectivity, in a transparent way and should modify its working procedures so as to seek consensus rather than a divisive vote. The Conference on Disarmament reached all its decisions by consensus, but that had not prevented it from conducting its business effectively. At the Commission's previous session, his delegation had outlined a number of principles by which it believed the Commission should be guided in its work, and he referred members to the statement in question.

63. Mr. SINGH (India), after associating himself with the views already expressed by the representative of Pakistan on behalf of the Asian Group, expressed concern at the Commission's overloaded agenda, its mountains of documents, and the large number of resolutions. Unfortunately, the protection and promotion of human rights, instead of being a global and cooperative endeavour, was rapidly becoming a new area of politicized confrontation, a part of foreign policy agendas which had little to do with human rights, a trend that could only reduce the effectiveness of the Commission and undermine its credibility, particularly among developing countries, which appeared to provide most of the "targets".

64. While it was true that violations of civil and political rights occurred in developing countries, they also occurred elsewhere, but the statements made by representatives of the countries of the North would give the impression that there were no human rights problems in that part of the world, which was certainly not the case.

65. The promotion and protection of human rights is too important an issue to be subjected to political confrontation and the Commission must work towards consensus, however difficult its attainment, by means of dialogue, consultation and persuasion.

66. Mr. THINLEY (Bhutan), having endorsed the statement made by the representative of Pakistan on behalf of the Asian Group, said it would be naive to expect the deliberations of the Commission to be totally free from politics, but the deliberate politicization of human rights was a cause of much concern to everyone. Subjectivity, selectivity and partiality in the treatment of issues appeared to have become the rule rather than the exception, and there was a widespread feeling that the Commission was being manipulated by certain countries to exert political pressure on others. Such a perception was heightened by the fact that the developing countries were the main targets of criticism and by the apparent tendency to emphasize one set of rights over others.

67. While his delegation doubted that the situation was the result of a deliberate design on the part of any particular country, it was convinced that there was a serious need to examine and alter the manner in which the Commission conducted certain aspects of its business, emphasizing dialogue rather than monologue, cooperation and compromise rather than confrontation, and construction rather than destruction. He thus endorsed the Sri Lankan representative's proposal that the Commission should be guided by certain principles, including transparency and consensus, in the consideration and adoption of resolutions.

68. Like previous speakers, he was deeply concerned about the precarious financial situation of the United Nations and, in particular, about its effect on the work of the High Commissioner for Human Rights and the Centre for Human Rights, though he was encouraged by the efforts being made by the High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights to fulfil their important mandates. The Commission must play its part by being punctual, avoiding night meetings and giving serious consideration to the possibility of delegations making joint statements.

69. Mr. PARREIRA (Angola) said that the Commission was an appropriate forum for dialogue and that all countries should make coordinated efforts to avoid futile confrontation. His delegation thus supported the statements made by previous speakers and urged the Commission to adopt its decisions and resolutions by consensus and to avoid voting except as a very last resort.

70. Mr. WU JIANMIN (China) said he fully agreed with the previous speakers who had stated their opposition to the politicization of human rights, to double standards and to confrontation instead of dialogue, cooperation and consensus and who had pinpointed the problems that were eroding the credibility of the Commission, the most serious of which was the consideration of country-specific resolutions almost all of them targeting developing countries. The same was true of the appointment of the 17 country rapporteurs and special representatives.

71. At the Commission's previous session a representative of a group of developed countries had accused, in a single statement, 51 developing countries and regions of violating human rights. It was not surprising, therefore, that some representatives of developing countries had concluded that the Commission had become a tribunal where large numbers of developing countries were arraigned and judged by a few developed countries, the supreme judge being a super-Power, within whose territory there were abundant cases of racial discrimination, police violence, unemployment and other violations of human rights.

72. It was evident that the previous East-West confrontation had been replaced by a North-South one and that a small number of countries regarded the Commission as a tool with which to pursue their foreign policy and practise power politics. They had a strong sense of superiority, which led to a domineering approach, double standards, the imposition of their views on others and political confrontation, which undermined the principle of international cooperation and obstructed the normal functioning of the Commission.

73. The Commission was at a crossroads: it had either to follow the beaten track of political confrontation, or engage in cooperation on an equal footing in keeping with the principles of the United Nations Charter and the Vienna Declaration and Programme of Action. His delegation was ready to work with all others to reject political confrontation and opt for dialogue, cooperation and consensus.

74. Ms. SYALMUDDIN (Indonesia) said that it was widely recognized that rationalization of the Commission's work should take place in a thorough, comprehensive and integrated manner through consultation and with the full participation of all delegations on the basis of consensus. The principles of impartiality, objectivity and non-selectivity in the consideration of all human rights issues, including the rationalization of the Commission's work, must be ensured in a spirit of international cooperation and dialogue and should not be used as a political instrument.

75. To maintain its credibility, the Commission had to prove that its decision-making system was a democratic one. In the case of draft resolutions, a mechanism could be agreed upon for coordinating consultations prior to their introduction and adoption. Thus most draft resolutions would be adopted by consensus, except in those few cases where the consultations had not been effective.

76. In order to overcome financial constraints, speakers should limit themselves strictly to the time available. The participation of NGOs should also be arranged so as to make it as efficient as possible. Technical arrangements for such matters as the allocation of speaking time and the making of joint statements could be rationalized. The agenda needed to be restructured to reflect the Commission's main responsibilities and mandates, the clustering of closely-linked agenda items being encouraged and any proposal to add an additional agenda item being very carefully considered.

77. Mr. ALFONSO MARTINEZ (Cuba), after indicating his support for the Bureau's proposals as outlined by the Chairman at the beginning of the meeting, said that the Commission was undergoing a crisis of confidence. Its growing lack of credibility might not be noticed in the developed countries, but it was apparent in the developing countries, where most of the world's population lived. Human rights were not the privilege of a small number of countries that sought to impose their will on others.

78. While Article 1 of the Charter of the United Nations stated that one of the purposes of the United Nations was to be a centre for harmonizing the actions of nations in attaining common ends, the Commission on Human Rights appeared to prefer a confrontational approach. Furthermore, the Commission failed to abide by the widely recognized principle of the interdependency of rights, giving priority to civil and political rights at the expense of economic, social and cultural rights. Efforts to promote the right to development had even been blocked by some members of the Commission.

79. The Commission had yet to condemn violations of human rights in the developed countries of the North although there were numerous examples of violations of legal rights and attacks on the physical integrity of persons in those countries.

80. Another reason for the decline in the Commission's credibility was the overwhelming mass of documentation which had to be reviewed - and the Commission's failure to include all delegations in the consultation process.

81. His delegation would support any initiative to make the work of the Commission more rational, effective and transparent.

82. Mr. van WULFFTEN PALTHE (Netherlands) said that his delegation endorsed the Bureau's proposals. It also wished to propose that the requirement for a quorum should be waived, at least during discussions.

83. The Western European and Others Group was pleased to hear so many calls for reform of the Commission's working methods and agenda and would be glad to consult other delegations on that matter, which it considered to be of paramount importance.

84. He did not wish to contribute to the "politization" of the Commission by making remarks which could never lead to constructive, frank and open dialogue, and thus would not comment on the unprecedented act of interrupting a guest of the Commission.

85. Mr. LEHMANN (Denmark) said that his delegation, which had transmitted to the Bureau a proposal related to the rights of indigenous peoples, strongly urged the Commission to add to its agenda a separate item entitled "indigenous issues".

86. Mr. LEMINE (Mauritania) said that the Commission needed to rationalize its working methods and operate in a more effective manner, especially in view of the financial crisis facing the United Nations. The Commission could not remain an arena for confrontation but must move towards dialogue and consensus, which was already the norm in other parts of the United Nations system.

87. Mr. AKRAM (Pakistan) said that the harsh reality of conflicting interests had to be faced. In that connection, he hoped that the current meeting would serve as a catharsis so that the rest of the session could be conducted in an atmosphere of harmony and cooperation. Most delegations, including those from the developing countries, took their inspiration from Article 1 of the Charter of the United Nations, which stated that one of the purposes of the Organization was to be a centre for harmonizing the actions of nations in attaining common ends. To that end, the Commission should ensure that all delegations participated in the consultation and consensus process.

The meeting rose at 1 p.m.